

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010090514

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On September 14, 2010, Student filed a Due Process Hearing Request (complaint) against the Los Angeles Unified School District (District). On October 26, 2010, Student filed a Motion to Amend the Due Process Hearing Request (amended complaint). No opposition was received from the District. On November 3, 2010 the Office of Administrative Hearings (OAH) issued an order denying the Motion to Amend because Student did not include the allegations from the September 14, 2010 complaint in the amended complaint. Student merely referenced the prior complaint and requested that the Office of Administrative Hearings incorporate the prior allegations and the amended complaint was deemed defective.

On November 3, 2010, Student re filed his Motion to Amend the Due Process Hearing Request (amended complaint) setting forth each and every allegation in one integrated pleading as ordered by OAH. No opposition was received from District.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i)(II).)<sup>1</sup> The filing of an amended complaint restarts the applicable timelines for the due process hearing. (§1415(f)(1)(B).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of

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<sup>1</sup> All statutory citations are to Title 20 United States Code unless otherwise indicated.

this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

Dated: November 09, 2010

/s/

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STELLA OWENS-MURRELL  
Administrative Law Judge  
Office of Administrative Hearings